

REMARKS

Claims 56-64 and 67-69 are pending in the application. Claims 62-64 and 67 were previously withdrawn from consideration. Claims 68 and 69 are cancelled herein.

The drawings are objected to under 37 CFR 1.83(a). First, the Examiner stated that elements 900, 910, and 920 must either be shown in the drawings or canceled in the claims. In response, Applicant respectfully contends that the three elements (i.e., 900, 910, and 920) discussed in the specification are not referred to in any claims. Second, the Examiner states that element 10 must be shown in the drawings. In response, Applicant has amended FIG. 1A to change element 11 to 10 without adding new matter. Applicant further cites parent application, Serial No. 10/213,702, now issued as U.S. Patent No. 6,823,949, wherein similar drawing objections were raised by the Examiner and similarly addressed by the Applicant.

Claims 56-61, 68 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell *et al.* (US Patent No. 2,727,598).

Applicant respectfully traverses the rejection under Mitchell and the rejection should be withdrawn because Mitchell does not teach, or suggest, each and every element of independent claim 56, as amended. Specifically, Mitchell does not teach, or suggest, a “modular control apparatus, wherein said apparatus is configured to shut off air flow to a tool **after a selected time that torque is being applied by the tool**” (emphasis added), as in claim 56, as amended. To the contrary, Mitchell discloses a torque control device that in its entirety operates on stopping a tool once a predetermined amount of work has been reached. “[C]ontrolling or stopping wrench operation in response to a sudden deceleration of said tool resulting from a predetermined increased resistance of said work to the driving torque upon impact.” (Col. 1, lines 50-55)(Emphasis added). This same general aspect of the Mitchell invention is taught throughout the summary and the specification. Nowhere in Mitchell is there any suggestion or teaching of

any relationship between a “selected time that torque is applied’ and shutting of the air flow. There is no suggestion or disclosure of time(s) being selected so as to shut off air flow. Thus, the rejection of claim 56 should be withdrawn and the claim allowed.

In that claims 57-59 depend from independent claim 56, they too should be allowed.

Further, Applicant respectfully traverses the rejection under Mitchell and the rejection should be withdrawn because Mitchell does not teach, or suggest, each and every element of independent claim 60, as amended. Specifically, Mitchell does not teach, or suggest, “wherein said modular apparatus includes a device configured to shut off air flow to a motor of the tool **in response to a selected time that torque has been applied by the tool has been reached**” (emphasis added), as in claim 60, as amended. Contrastingly, and similar to the discussion above regarding claim 56, Mitchell discloses a torque control device that in its entirety operates on stopping a tool once a predetermined amount of work has been reached. There is no disclosure, whatsoever, in Mitchell of a modular apparatus that, in any capacity, relates to a timing device and/or timing aspect. Thus, the rejection of claim 60 should be withdrawn and the claim allowed.

In that claim 61 depends from independent claim 60, it too should be allowed.

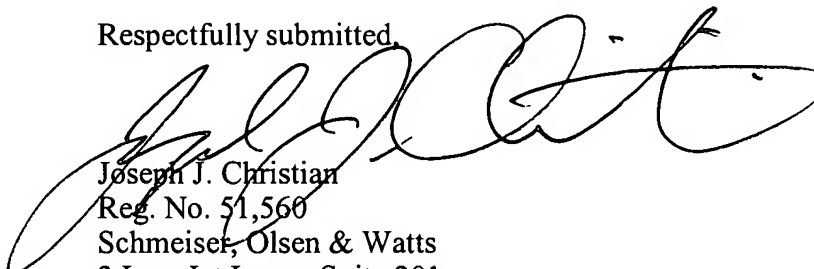
CONCLUSION

Based on the preceding amendments, Applicant respectfully submits that claims 56-61 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date:

6/9/05

Respectfully submitted,



Joseph J. Christian
Reg. No. 51,560
Schmeiser, Olsen & Watts
3 Lear Jet Lane - Suite 201
Latham, N.Y. 12110
(518) 220-1850

AMENDMENT

In the Drawings

The attached sheet of drawings include changes to FIG. 1A. This sheet, which includes FIGs. 1A and 1B, replaced the original sheet including FIGs. 1A and 1B. In FIG. 1A, element 11 has been changed to element 10.

Attachment: REPLACEMENT SHEET